

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

MELVIN GRAYER, #08710

PLAINTIFF

V.

CIVIL ACTION NUMBER: 3:12-CV-660-DPJ-FKB

GEO CORPORATE OFFICE GROUP, INC.,
M.D.O.C., C.M.C.F., MS FERGUSON,
GLORIA PERRY, GEO WARDEN VINCENT
HORTON, JOHN AND JANE DOES, FRANK
SHAW AND DR. CARL A. FAULKS

DEFENDANTS

RESPONSE TO PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

COMES NOW Defendant The GEO Group, Inc., (improperly named herein as "GEO Corporate Office Group, Inc." and hereinafter referred to as "GEO") through counsel, and files this its Response to Plaintiff's Motion for Default Judgment (Document No. 40), and in support thereof shows as follows:

1. On or about April 2, 2013, the Plaintiff filed his Motion for Default Judgment (Document No. 40) asserting that individual Defendants Ferguson and Horton were served with process on or about January 22, 2013. He asserts that because the individual Defendants have not answered or otherwise defended in the case, then a Judgment by default should be entered against them.
2. The Plaintiff is incorrect in his understanding regarding the status of service of process of individual Defendants Ferguson and Horton. Such individual Defendants have not been served. Defendants Horton and Ferguson were formerly employed by GEO at the East Mississippi Correctional Facility. The Court's docket (Document No. 28) reflects that an effort was made to serve Defendants Ferguson and Horton on or about January 22, 2013; however, they could not be found and the Summons were return unexecuted. See Document No. 28. The docket does not reflect that Summons have been reissued for Defendants Ferguson or Horton, or that there has been any further effort to serve them.

Based on the foregoing, Defendant GEO submits that the Plaintiff's Motion for Default Judgment is without merit and should be denied.

This the 10th day of April, 2013.

Respectfully submitted,

**THE GEO GROUP, INC. (Improperly named herein
as "GEO Corporate Office Group, Inc."),
Defendant**

BY: /s/ Lee Thaggard
Lee Thaggard (MSB #9442)
Robert T. Bailey (MSB #102270)
HAMMACK, BARRY, THAGGARD & MAY, LLP
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Meridian, MS 39302-2009
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that on this date I electronically filed the foregoing with the Clerk of the Court using the ECF system, which provided notice to all counsel of record, and I hereby certify that I have mailed by United States Postal Service, a true and correct copy of the above and foregoing document to:

Melvin Grayer, #08710
E.M.C.F.
10641 Highway 80 West
Meridian, MS 39307

This the 10th day of April, 2013.

/s/Lee Thaggard
LEE THAGGARD